

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
TIMOTHY A. VAIL,

Plaintiff,

**9:19-cv-34
(GLS/ML)**

v.

JAMES O’GORMAN et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Timothy A. Vail
Pro Se
89-C-1513
Sullivan Correctional Facility
Box 116
Fallsburg, NY 12733

FOR THE DEFENDANTS:

HON. LETITIA JAMES
New York State Attorney General
The Capitol
Albany, NY 12224

ERIK BOULE PINSONNAULT
Assistant Attorney General

Gary L. Sharpe
Senior District Judge

ORDER

The above-captioned matter comes to this court following an Order and Report-Recommendation (R&R) by Magistrate Judge Miroslav Lovric duly filed November 19, 2021. (Dkt. No. 58.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections

filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

ORDERED that the Order and Report-Recommendation (Dkt. No. 58) is **ADOPTED** in its entirety; and it is further

ORDERED that defendants' motion for summary judgment (Dkt. No. 53) is **GRANTED**; and it is further

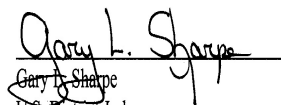
ORDERED that the complaint (Dkt. No. 1) is **DISMISSED**; and it is further

ORDERED that the Clerk is directed to close this case; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

December 16, 2021
Albany, New York


Gary L. Sharpe
U.S. District Judge